

32B-2-601 Commission's power to issue package agency.

- (1)
 - (a) The commission may, when the commission considers proper, issue authority to operate as a package agency by directing the department to enter into a package agency agreement with a person to sell, offer for sale, or furnish liquor in sealed containers from premises other than those owned or leased by the state.
 - (b) The commission shall authorize a person to operate a package agency by issuing a record that designates the person in charge of the package agency as a "package agent."
- (2)
 - (a) Subject to this Subsection (2), the commission may not issue a total number of package agencies that at any time exceeds the number determined by dividing the population of the state by 18,000.
 - (b)
 - (i) The commission may issue a seasonal package agency in an area the commission considers proper.
 - (ii) A seasonal package agency shall be for a period of six consecutive months.
 - (iii) A seasonal package agency issued for operation during a summer time period is known as a "Seasonal A" package agency. The period of operation for a Seasonal A package agency shall:
 - (A) begin on May 1; and
 - (B) end on October 31.
 - (iv) A seasonal package agency issued for operation during a winter time period is known as a "Seasonal B" package agency. The period of operation for a Seasonal B package agency shall:
 - (A) begin on November 1; and
 - (B) end on April 30.
 - (v) In determining the number of package agencies that the commission may issue under this section:
 - (A) a seasonal package agency is counted as one-half of one package agency; and
 - (B) each Seasonal A package agency shall be paired with a Seasonal B package agency.
 - (c)
 - (i) If the location, design, and construction of a hotel may require more than one package agency sales location to serve the public convenience, the commission may authorize a single package agent to sell liquor at as many as three locations within the hotel under one package agency if:
 - (A) the hotel has a minimum of 150 guest rooms; and
 - (B) all locations under the package agency are:
 - (I) within the same hotel; and
 - (II) on premises that are managed or operated, and owned or leased, by the package agent.
 - (ii) A facility other than a hotel shall have a separate package agency for each location where liquor may be sold, offered for sale, or furnished.
- (3)
 - (a) A package agent, under the direction of the department, is responsible for implementing and enforcing this title and the rules adopted under this title to the extent this title and the rules relate to the conduct of the package agency and a package agency's sale of liquor.
 - (b) A package agent may not be a state employee. A package agent may not be construed to be a state employee or otherwise entitled to any benefit of employment from the state.

- (c) A package agent, when selling liquor from a package agency, is considered an agent of the state only to the extent specifically expressed in the package agency agreement.
- (4) The commission may prescribe by rule one or more types of package agencies issued under this part that are consistent with this title.

Amended by Chapter 307, 2011 General Session